

Tennessee Board of Chiropractic Minutes

Date: May 12, 2005

Time: 8:30 A. M.CST

Location: Tennessee Room
Ground Floor, Cordell Hull Building
Nashville, TN 37247

Board Members

Present: Barry Kelton, D.C., Chair
Michael Massey, D.C.
Andrea Selby, D.C.
Debe Williams, D.C.
Sheila Fitzgerald

Board Members

Absent: Linda Kindrick

Staff

Present: Sherry Owens, Board Administrator
Robbie Bell, Director
Bob Kraemer, Advisory Attorney
Rick Agee, Unit Manager
Jerry Kosten, Rules Coordinator
Barbara Maxwell, Administrative Director
Stacy Lannan, Administrative Assistant/Licensing Technician

Dr. Kelton, chair, called the meeting to order at 8:30 a.m. There were a sufficient number of board members present to constitute a quorum.

Review Minutes

Upon review of the February 22, 2005 board meeting minutes, Dr. Williams made a motion, seconded by Dr. Selby, to approve the minutes as written. The motion carried.

Administrative Report

Ms. Owens said there are 894 active licensed chiropractic physicians, 96 active licensed chiropractic x-ray technicians and 345 active licensed chiropractic therapy assistants.

Ms. Owens stated between February 12 and May 2, 2005 fourteen (14) chiropractor physicians, three (3) chiropractic x-ray operators and three (3) chiropractic therapy assistants renewed their licenses online.

Ms. Owens said she will have a complete report on continuing education for the August 30, 2005 board meeting.

Report from Jerry Kosten, Rules Coordinator

Mr. Kosten stated Public Chapter 81 passed legislation which gives the board the authority to set the number of continuing education hours licensees must obtain.

Upon discussion, Dr. Selby made a motion, seconded by Dr. Williams, to require licensees to obtain twenty-four hours of continuing education each calendar year effective January 1, 2006. The motion carried.

Investigative Report

Ms. Owens stated seven new complaints against chiropractors have been received year to date, two for unprofessional conduct, one for malpractice/negligence, two for unlicensed practice and two for other. Ms. Owens stated no complaints have been received for chiropractic x-ray technicians or chiropractic therapy assistants.

Disciplinary Report

Ms. Owens said two chiropractors and one chiropractic x-ray technician are currently being monitored by the disciplinary coordinator.

Discuss and consider approval of continuing education

Upon review of the continuing education courses submitted to the board for approval, Dr. Selby made a motion, seconded by Dr. Williams, to accept the following courses:

Chiropractic Therapy Assistant Seminar

Lance Silverman, D.C.

6 hour course

Seminars in Chiropractic Research

M. B. Drybread, D.C.

12 hour course

King Bio

Frank King, D.C.

Part 1 – 12 hour course

Part 2 – 12 hour course

Peer Review Consulting Services

James Mathis

7 hour course

Permanent Soft Tissue Injuries

Daniel P. Dock, D.C.

12 hour course

Western States Chiropractic College

17 hour course

Whynot Chiropractic Clinic at the Oaks

Dwight C. Whynot, D.C.

12 hour course

The motion carried.

Licensure Denial Appeal by Michael Pepper

Judge Robert Felman, Administrative Law Judge, presided over the denial appeal and Ms. Elisha Hodge, Assistant General Counsel, represented the State.

Ms. Hodge informed Judge Felman that Mr. Pepper was not in attendance and requested that the case be dismissed.

A roll call vote was conducted and all board members voted to dismiss the case.

Agreed Orders for John Noufer, D.C., Robert Pachinger, D.C., Hal Farmer, D.C., and Elbert Sneed, D.C.

Upon review of the Agreed Order for **John Noufer, D.C.**, Dr. Williams made a motion, seconded by Dr. Selby, to accept the order as written. A roll call vote was conducted and all board members voted in the affirmative.

Upon review of the Agreed Order for **Robert Pachinger, D.C.**, Dr. Williams made a motion, seconded by Dr. Selby, to accept the order as written. A roll call vote was conducted and all board members voted in the affirmative.

Upon review of the Agreed Order for **Hal Farmer, D.C.**, Dr. Williams made a motion, seconded by Dr. Selby, to accept the order as written. A roll call vote was conducted and all board members voted in the affirmative.

Upon review of the Agreed Order for **Elbert Sneed, D.C.**, Dr. Williams made a motion, seconded by Dr. Selby, to accept the order as written. A roll call vote was conducted and all board members voted in the affirmative.

Ratify Newly Licensed Chiropractic Physicians, Certified X-Ray Technicians and Chiropractic Therapy Assistants

Dr. Williams made a motion, seconded by Dr. Massey, to ratify the following newly licensed chiropractic physicians, certified x-ray technicians and chiropractic therapy assistants:

Chiropractic Physicians

**Lisa Bartell
Larry J. Burchard
Andrew Miles Feldman
Danny Ray Floyd
Lorie Gail Hedgepeth
Kimberlyn Kellogg
Nathan E. Leavitt
David J. Leu
Christopher Lewis
David R. Mason
Derek Lee Oldenkamp
Kurt A. Price
Richard D. Thomas**

Chiropractic X-Ray Technician

Martha Wilson Clayton

Chiropractic Therapy Assistant

**Cynthia S. Adams
Leslie Beach
Robbie Echols
Kenneth Fletcher
Melissa Fugate
Lesley Murphy
Hollie Nunley
Rachel S. Stroupe
Amy Russell Tolbert**

The motion carried.

Financial Report

Ms. Owens stated the financial report is identical to the one presented to the board in February 2005 which indicates the board has deficit of \$3,414.72. Ms. Owens said a new financial report will be ready for the August 2005 board meeting.

Report from Bob Kraemer, Advisory Attorney

Mr. Kraemer said the continuing education and x-ray amendments were sent to the Attorney General February 25, 2005 where they remain.

Mr. Kraemer said the volunteer licensure, advisory rulings and fees were sent to the Attorney General November 29, 2004 where they remain.

Mr. Kraemer stated the board will be voting on the criminal background checks and acupuncture fees at today's meeting.

Mr. Kraemer informed the board there are nine (9) open disciplinary cases pertaining to the Board of Chiropractic Examiner in the Office of General Counsel.

Discuss chiropractic care scope for animals

Ms. Owens stated this discussion is on the agenda because she has been receiving calls regarding chiropractic care for animals.

Ms. Fitzgerald said you must be certified to practice chiropractic care for animals.

Ms. Williams suggested leaving this subject alone.

Discuss and consider contract for administration of the ACRRT examination

Ms. Owens said the ACRRT examination contract must go out to bid and she will have more information for the board on this at the August 2005 meeting.

Discuss and consider non Tennessee licensure for continuing education seminars

Mr. Kraemer said there is no provision in the board's practice act for instructional or temporary licensure to allow anyone to come into Tennessee and practice chiropractic in a continuing education setting. Mr. Kraemer said the law states it is unlawful for anyone to practice chiropractic in Tennessee without a license.

Upon discussion, Mr. Kraemer suggested that the board take no action on this subject.

Discuss and take possible action of Paul Adams, CPA, continuing education approval request

The board discussed the continuing education courses offered by Paul Adams, CPA, in the area of front office management, financial statements, record keeping, income tax and marketing.

The board agreed to approve Mr. Adams continuing education course for the remainder of this year (2005) but requested Ms. Owens to send him a letter that future continuing education courses in the area of office management will not be approved.

Discuss chiropractic acupuncture certification

Mr. Kraemer stated that the board is aware that the Attorney General opined that chiropractic physicians may not practice acupuncture.

Mr. Kraemer asked the board for specific information on how the acupuncturists and chiropractic physicians practice of acupuncture is different.

Upon discussion, Dr. Williams made a motion, seconded by Dr. Selby, to contact Mr. Kosten for a time frame for a rulemaking hearing and have a task force meeting to develop language for the rule. The motion carried.

Discuss criminal background check for new applicants rule amendment

Ms. Bell stated the department was audited in 2004 and noted in that audit that the department does not require criminal background checks. Ms. Bell said as a result of the audit all health related boards are adding the rule amendment to their rules.

Dr. Williams made a motion, seconded by Dr. Selby, to accept the rule amendment as written. A roll call vote was conducted and all board members voted in the affirmative.

With no other board business to conduct, Dr. Selby made a motion, seconded by Dr. Massey, to adjourn the board meeting at 11:31 a.m. The motion carried.

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